

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|  |   |                       |
|--|---|-----------------------|
| WILLIAM E. BRYANT,                     | ) |                       |
|  | ) |                       |
| Plaintiff,                             | ) |                       |
|  | ) |                       |
| v.                                     | ) | Case No. CIV-12-288-D |
|  | ) |                       |
| MICHAEL J. ASTRUE, Commissioner        | ) |                       |
| of the Social Security Administration, | ) |                       |
|  | ) |                       |
| Defendant.                             | ) |                       |

**ORDER**

This matter is before the Court for review of the Report and Recommendation [Doc. No. 17] issued by United States Magistrate Judge Robert E. Bacharach pursuant to 28 U.S.C. § 636(b)(1)(B), in this action for judicial review under the Social Security Act, 42 U.S.C. § 405(g). Judge Bacharach recommends affirmance of the Commissioner's decision to deny Plaintiff's application for disability insurance benefits. Plaintiff has filed a timely objection. Thus, the Court must make a *de novo* determination of the issues specifically raised by Plaintiff's objection, and may accept, modify or reject the recommended decision. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Briefly stated, the ALJ found in the sequential analysis as follows: Plaintiff has severe impairments of degenerative disc disease and obesity; Plaintiff's impairments are not *per se* disabling under the Listing of Impairments at 20 C.F.R. pt. 404, subpt. P., app. 1; Plaintiff has the residual functional capacity (RFC) to perform a full range of light work; Plaintiff cannot perform any past relevant work; and applying the Medical Vocational Guidelines of 20 C.F.R. pt. 404, subpt. P, app. 2 (the "Grids"), there are jobs in the national economy that Plaintiff could perform, considering his RFC and vocational characteristics. Plaintiff claims two errors on appeal: 1) the ALJ

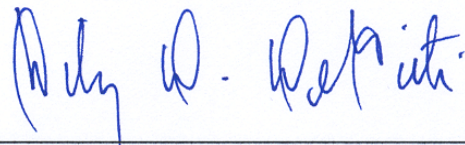
used boilerplate language in announcing his RFC findings; and 2) the ALJ erred by relying on the Grids at step five of the analysis, despite objective evidence of nonexertional impairments.

After careful consideration of the record evidence, Plaintiff's arguments, and controlling legal authorities, Judge Bacharach rejects Plaintiff's contentions of error. Judge Bacharach first concludes the ALJ adequately explained his RFC findings, and the case law on which Plaintiff relies, *Bjornson v. Astrue*, 671 F.3d 640 (7th Cir. 2012), is inapposite. Judge Bacharach also concludes the ALJ properly relied on the Grids because he found no nonexertional impairments that would limit Plaintiff's ability to work. In his Objection, Plaintiff simply re-urges the arguments presented in his briefs, except to omit any further reliance on *Bjornson*.

Upon *de novo* consideration of Plaintiff's arguments, the Court fully concurs with Judge Bacharach's conclusions. Because the Court cannot add significantly to Judge Bacharach's analysis, the Court adopts the Report and Recommendation in its entirety as though fully set forth herein.

IT IS THEREFORE ORDERED that Judge Bacharach's Report and Recommendation [Doc. No. 17] is ADOPTED. The Commissioner's decision is AFFIRMED. Judgment will be entered accordingly.

IT IS SO ORDERED this 4<sup>th</sup> day of January, 2013.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE